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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Federation of the ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 March 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

The International Federation of the ACAT (Action of Christians for the Abolition of Torture) is deeply concerned at the alarming situation prevailing in the Democratic Republic of the Congo.

The situation has deteriorated sharply since August 1998, when a fresh war broke out less than 15 months after the previous one had ended. The territory of the Republic is now divided between the Government in Kinshasa, which controls part of the West and South-East, and three rebel movements allied to the Rwandan, Ugandan and Burundian armies. Atrocities are committed against the civilian population in both areas.

In 1999, the Kinshasa Government perpetrated numerous violations of individuals' physical integrity and freedoms.

Numerous human rights militants, journalists, priests, political party officials and former members of the Zairean Armed Forces were arbitrarily arrested and detained without trial in National Information Agency (ANR), Detection of Unpatriotic Activities Police (DEMIAP) or Special Presidential Security Unit (GSSP) cells.

Several of these individuals were tortured during their detention. Among them were Stephane Ibanga and Mutua Ngwefa, arrested in Kinshasa on 17 May 1999 and tortured over a two-week period by the GSSP before being released without having been either charged or brought before a magistrate.

Using the war as a pretext, the Military Court, which is an emergency tribunal, is still handing down death sentences followed by execution with no possibility of appeal. The sentences often relate to incidents completely unconnected with the war. The de facto moratorium noted in late 1999 was lifted in early 2000 and executions have resumed despite the authorities' promises. The International Federation of ACAT strongly condemns these practices and calls on the Government to impose a moratorium on executions with a view to the total abolition of the death penalty.

The Kinshasa Government has also resorted, in violation of humanitarian law, to bombardments in which many civilians in Kisangani, Zongo, Libenge, Goma and Uvira have suffered.

The human rights situation in the part of the Congo occupied by foreign troops (Rwandan, Ugandan and Burundian) allied to the rebels is more disquieting still.

Many trustworthy reports speak of massacres, killings, summary executions, torture, kidnappings, arbitrary arrests, rapes, theft, pillaging etc. by these troops against the civilian population in the territory they occupy.

The following incidents may serve as examples:

- In South Kivu, massacres in Makobola (18 February 1999), Burhinyi (17 March 1999), Bunyakiri, Kalambi, Kalonge; in North Kivu, massacres in Luashi, Lukweti and

Murhanga. In both regions entire villages have been sacked and civilians' property plundered, supposedly to put down armed groups. Several hundred thousand people have been displaced by these acts of war.

- Attacks on members of the Catholic clergy have gone as far as killings, as in the case of Father Georges Kakuja who was murdered by Rwandan soldiers in Kalonge on 22 November 1999. The trend has continued in 2000 with the killing of Father Pepe on 15 February and the expulsion of the Archbishop of Bukavu, Mgr. Kataliko, from his diocese in the Ugandan-controlled zone.

- Torture is commonplace in many of the places where people are secretly held, including the homes of some of the occupying troops' officers. In November 1999 well-known public figures and opinion-shapers in Butembo (North Kivu) were arrested and heavily tortured by the RCD-ML security services, as a result of which former minister Lumbu-Lumbu died on 11 December.

- Freedom of expression and association have come under fresh attack. In Bukavu, the "Groupe Jérémie" human rights association has had its offices invaded and pillaged by RCD soldiers. Broadcasts by Radio Maendeleo (an NGO radio station) have been censored, then banned, and two of its officials were arrested then released after some days in detention.

The International Federation of the ACAT is outraged at the behaviour of the rebel and allied foreign troops, and insists they must stop these grave violations of human rights and humanitarian law. It demands the same of the armed gangs preying on the civilian population.

Given these massive and repeated violations of basic rights affecting a large part of the Congolese population, more than 1 million of whom have been displaced, the Federation calls on the Commission on Human Rights:

- To condemn these violations, and particularly the acts of torture, whether committed by the Congolese authorities or the forces in the occupied zone, and to demand that the forces in the occupied zone respect human rights and humanitarian law;

- To renew the mandate of the Special Rapporteur for the Democratic Republic of the Congo;

- To request the United Nations High Commissioner for Human Rights to strengthen the presence of her Office in the field and, in particular, reopen the office in Goma.